

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KARL SCHUBERT, :
 :
 Petitioner :
 :
 v. : CIVIL ACTION NO. 3:16-2198
 :
 : (Judge Mannion)
 SUPT. BARRY SMITH, *et al.*, :
 :
 Respondents :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. The Report and Recommendation of Judge Carlson, **(Doc. 11)**, is **ADOPTED**.
2. Petitioner Schubert's petition for writ of habeas corpus, **(Doc. 1)**, is **CONDITIONALLY GRANTED**.
3. Schubert's Cumberland County conviction and April 28, 2014 sentence are **VACATED**.
4. The Commonwealth is directed to release Schubert from custody unless he is retried in Cumberland County Court **within 120 days** from the date of this Order.
5. The Clerk of Court shall **CLOSE** this case.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: December 10, 2018